

REMARKS

The present application includes claims 1-23, of which claim 8 was previously cancelled, claims 11 and 16 have been amended and claims 22 and 23 have been cancelled by the above amendments. It is respectfully submitted that the pending claims define allowable subject matter.

The Applicants now turn to the Examiner's objection to claims 1-7, and 9-21. Claims 11, 16, and 22-23 were rejected under 35 U.S.C. §102 as being anticipated by Foster (U.S. Patent No. 5,186,641). Claims 1-5, 7-10, 12, 14-15, 17, and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foster and O'Neill (U.S. Pat. No. 4,852,842) and further in view of Muskatello (U.S. Patent No. 5,187,641). Claims 6, 13 and 18 were rejected under 35 U.S.C. § 103(a) as being compatible over Foster in view of O'Neill and further in view of Lubinskas et al. (U.S. Patent No. 5,398,622). Applicants respectfully traverse these rejections for reasons set forth herein.

Applicants now address the Examiner's rejection of claims 11, 16, 22-23 under 35 U.S.C. §102. Foster discloses a monitor (121) that is mounted on a power column. Although Foster states that the monitor (121) may be manipulated to various positions (Foster col. 6, lines 1-32), Foster does not disclose what those positions are or how the monitor (121) could be used, positioned or manipulated relating to any patient position. Foster also does not disclose any patient positions or how the monitor is positioned relative to the patient's position. Foster also does not disclose a patient table and monitor with predetermined viewing positions. In fact, the monitor in Foster could not be viewed if it was facing the end of the bed. Furthermore, even if the monitor was positioned such that it was facing one end of the bed, the monitor would not be over the patient as

required by amended claims 11 and 16. Foster, therefore, does not disclose all of the elements of amended claims 11 and 16 and their dependant claims 12-15 and 17-21.

With respect to the Examiner's rejection of claims 1-5, 7-10, 12, 14-15, 17 and 19-21, Applicants respectfully submit that the pending claims are patentable over Foster and O'Neill. The Examiner concluded that Foster inherently discloses a patient support surface that supports a patient in at least two examination positions. Foster, however, does not disclose a patient support surface in at least two positions. Foster only discloses a bed that may be positioned at different angles with respect to the power column. Foster does not depict or describe the bed (20) or how it supports a patient. Moreover, there is no disclosure that the bed supports a patient in more than one position (or even what position the bed (20) supports the patient). Foster also does not disclose that the monitor has different predetermined positions, much less different predetermined positions based on the patient's position.

The Examiner correctly stated that "Foster fails to disclose a pivot release member provided on one of said monitors." The Examiner, however, concluded that "O'Neill discloses a pivot arm (20) having a pivot release member (134) provided on the pivot arm for releasably securing an appliance and said pivot arm at predetermined angular positions."

O'Neill, however, cannot be manipulated such that the monitor can be both parallel and perpendicular to the patient table. The monitor in O'Neill may only be moved in and out (relative to the wall) and up and down (relative to the floor). Foster and O'Neill therefore fail to disclose a patient table and monitor wherein the monitor has

a first predetermined viewing position parallel to the patient table and a second predetermined viewing position perpendicular to the patient table.

Furthermore, there is no teaching or suggestion to combine Foster and O'Neill. First, the monitor in O'Neill is attached to a wall by a mounting bracket (O'Neill col. 3, lines 45-49), while Foster on the other hand discloses a monitor mounted to a power column (Foster Figure 1, col. 1, lines 23-25). There is also no indication or expectation that such a combination would be successful.

Foster and O'Neill therefore do not disclose or suggest all of the limitations of claim 1, do not teach or suggest combining the references as suggested by the Examiner or that such a combination would be successful.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. **First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine references teachings.** Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the **reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure.** MPEP § 2142-2143 (emphasis added).

Applicants, therefore, respectfully submit that independent claims 1, 11, and 16 are allowable. Applicants also submit that dependent claims 2-7, 9-10, 12-15 and 17-21 are allowable because they depend from allowable claims 1, 11, and 16.

CONCLUSION

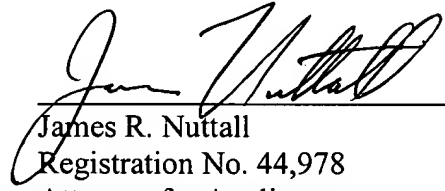
For the forgoing reasons, it is respectfully submitted that the pending claims define allowable subject matter. The Applicants look forward to working with the Examiner to resolve any remaining issues in the application. If the Examiner has any

questions or the Applicants can be of any assistance, the Examiner is invited and encouraged to contact the Applicants at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account No. 070845.

Respectfully submitted,

11/3/03
Date


James R. Nuttall
Registration No. 44,978
Attorney for Applicants

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661

Telephone: (312) 775-8000
Facsimile: (312) 775-8100